

REMARKS

The examiner rejected claims 1-10, 14-22 and 24-33 as being directed to an invention that would have been obvious from the disclosure of U.S. Patent 6,429,947 to Lavery in view of the disclosure of U.S. Patent 6,611,348 to Chase and U.S. Patent 5,389,044 to Aitkens. Claims 11-13 were rejected as being directed to an invention that would have been obvious from the disclosure of Lavery in view of Chase and Aitkens in further view of U.S. Patent 5,956,737 to King et al

The present invention relates to the conversion of vector graphics files to files suitable for display on an RGB color computer monitor that receives image data over the Internet. The invention is particularly well suited for producing electronic equivalents of paper print retail catalogs, wherein the electronic catalogs appear to be substantially identical to the paper print retail catalogs. Retailers can promote and sell merchandise such as furniture over the Internet using the electronic catalogs of the present invention. Moreover, the present invention can be used to provide an in-store reprint of selected catalog pages using an inexpensive RGB desktop printer.

The present invention relates to conversion of vector graphics files to files suitable for display on a computer, such as a computer running an Internet browser. The invention is particularly well suited for producing electronic equivalents of retail catalogs such as furniture catalogs used by retailers to promote and sell their merchandise over the Internet. Furthermore, the present invention can be used to provide an in-store reprint of selected catalog pages using an inexpensive standard RGB desktop printer. This reprint capability avoids the need for reordering costly catalog reprints.

Furniture manufacturers have for years generated very carefully planned and designed catalogs to aid in the promotion and sale of their products. Catalog design has become quite sophisticated, with particularized placement of text and graphics on the pages being chosen by the catalog designers to achieve specialized visual effects. Among the effects desired is the overlay of one photograph over a part of another.

With the advent of the Internet and e-commerce endeavors, it is desired to replicate such catalogs on the Internet so that viewers and potential customers on the Internet will have identically the same image available to them as would be available in the printed catalog. Similarly, it may be desirable for many other types of print media to be transported to a browser-display with fidelity to the original.

The state-of-the-art in printing, particularly with respect to catalogs, but for other printed products also, involves the use of digital electronics. The image to be printed is stored in an electronic file in a vector graphics format. In vector graphics, mathematical equations and file pointers are used to collate the text and images to be printed on the printed page. These files can be processed to make the color separations needed in the printing process, according to known techniques. The patent to Petchenkine is illustrative of such techniques. Petchenkine discloses a prepress workflow with just such an objective. But, the present invention detours and bypasses the traditional prepress process by focusing on producing an Internet-ready electronic catalog as distinguished from a hardcopy print catalog. Several technical issues must be solved to do this.

First, the size of the digital files for printed catalog pages, even using vector graphics, can be on the order of 25 million bytes, too large for transmission at reasonable speeds over commonly available digital networks. Also, among the 25 million bytes of information is

much more detail than can typically be displayed on a monitor used in an Internet or other browser system. Typically, browsers display information in much less resolution, such as in the jpeg or gif format, having more on the order of 25,000 bytes of information, which can be reasonably quickly transmitted over digital networks.

Second, the browsers display images according to instructions imbedded in a markup language, typically html. In html, code is written to determine the color, size, and placement of various items on a page, and such code is typically written or edited in a manual mode, although some page editor programs are now available. Nonetheless, creation of an html page or other markup language page to replicate with high fidelity the images of a printed catalog or other printed publication is very difficult and time consuming. Essentially, the html page must be prepared from scratch, requiring trial and error to determine how well the browser-displayed page replicates the printed page. Errors must be corrected by rewriting code.

The present invention provides a method of creating a web page from a vector graphics data file. Such a vector graphics file is typically the same type of file that is routed through a prepress operation like Lavery's. The method includes a sequence of steps beginning with the conversion of the vector data file from its native file format to a bit map graphics file format. The vector graphics data file can be a prepress data file created using a software application program such as QuarkXPress, Adobe Illustrator, Macromedia Freehand, and etc.

The bit map graphics file so made still cannot be displayed on a standard computer monitor, because standard computer monitors require RGB color values to properly display a color image. As a result, a next step for converting the colors of the bit map graphics file is needed. In particular, the native color value settings must be converted to RGB color values.

The next step in the sequence is the insertion of the color-modified bitmap into a web page to be displayed over the Internet. In some cases this step includes a further step of compressing the modified bitmap in order to make its Internet transfer faster. This compressing step can take place before or after the color conversion step. The compression can be accomplished by reducing the resolution of an image encoded in the file. Preferably, the file resulting from the compression conforms to an Internet format standard such as a joint photographic experts (jpeg) file or a graphics interchange format (gif) file.

While the vector graphics data file of the present application is referred to as a prepress file in the beginning step of a preferred embodiment, this reference does not imply that the method of the present invention is a prepress process. In contrast, the disclosed method leads to the creation of an Internet web page that is a different result and follows a different path than traditional prepress processes like Lavery's.

This difference is further highlighted in the amended claim to a method of creating an electronic catalog web page and a catalog printed on paper from a vector graphics data file. One act of the method is printing the catalog on paper from the vector graphics data file. Other acts are performed on the vector graphics data file, leading to the making the electronic catalog web page available on the Internet for members of the public to view on a computer monitor so as to select one or more pages of interest from the electronic catalog and print selected pages on an RGB desktop printer after printing the catalog on paper from the vector graphics data file. . Lavery's image file is made available to the commissioning party for viewing over the internet prior to going to press to be able to review and OK it before printing. This amendment makes it clear that the web-based catalog is available after the

paper is printed, which is quite different than looking at an image for print-proofing purposes.

Laverty differs from applicant's invention in numerous other ways, too

The Laverty patent has its primary focus on preparing printed materials using CMYK printers of large volumes. Preparing the color separation files and the like is done electronically and can be shown to the customer who is commissioning the print job to verify his acceptance before the large volume paper printing job is completed. While that customer commissioning the print job may be viewing information over the Internet; that is a private connection and is not one made available to the public. Laverty has a focus on the process of preparing large volumes of printed materials on CMYK printers. Laverty does not disclose, suggest or contemplate allowing members of the general public such as potential customers to view the electronic catalog on the Internet and have identically the same image available to them on their computer screens as would be available in a printed catalog. The Laverty invention is disclosed succinctly at his column 10, line 50 through column 11, line 38, discussing his Figure 3.

Laverty does not disclose making pages available to the Public

The Examiner asserted that Laverty discloses enabling members of the public to view over the Internet. In the case of Laverty, the Examiner points to the disclosure of making information available to system subscribers over the Internet. Laverty et al. only contemplates hosting a prepress application on a server, wherein an Internet front-end provides a **custom** web site for allowing an **individual** customer to proof a customer-specific

prepress order. See Laverty et al. Col. 7, line 46 and Col. 10, lines 63-64. The pages are not generally available pages. That limited group of people is not the general public. The examiner takes the position that since the system subscribers are a subset of the general public, they are a species of the claimed genus and a disclosure of the species discloses the genus. This is faulty logic.

Applicant's claim 1 recites "making the electronic catalog web page available on the Internet for members of the public to view on a computer monitor so as to select one or more pages of interest from the electronic catalog and print selected pages on an RGB desktop printer." The affirmatively recited element is the act of "making...available..." The general public is not being claimed as an element, but is mentioned as a way of indicating that the catalog does not need a password or other special privilege to access. The "public" as used in this syntax is to be interpreted as an integer, not subject to subdivision to look for species or subsets. Thus, Laverty et al does not disclose this feature.

Laverty does not disclose error correction routines to correct the text errors

The claimed invention, according to independent claims 1, 25- 27, and 30-32 as currently amended include a recitation for a step of correcting text errors through the use of error correction routines to correct the text errors that occur when the vector graphics data file was converted from its native file format to a bit map graphics file format. As such, for a cited reference to be anticipatory, the reference must describe this identical element. In other words, the reference, to teach in as much detail as is claimed by the present invention, must disclose a step of correcting text errors through the use of error correction routines to correct the text errors that occur when the vector graphics data file was converted from its native file

format to a bit map graphics file format.

The primary reference, Laverty et al. does not contain any teaching regarding a step of correcting text errors through the use of error correction routines to correct the text errors that occur when the vector graphics data file was converted from its native file format to a bit map graphics file format.

Moreover, Laverty et al. actually teaches away from using **text error correction routines** by pointing out that the Print Ready File already has each element precisely mapped. Laverty goes on to say: "Because no human is required to alter it, the data for the product and the location of its elements need not change. (Please see column 8, lines 19-45.) In contrast, the present invention is more robust with regard to text elements, allowing a less than perfect vector file to BMP file conversion. As a result of this robustness, the present invention includes process steps that incorporate text error correction routines. On the other hand, Laverty teaches vector file to BMP file conversion without the use of text error correction routines. Therefore, one skilled in the art is **not** motivated to modify Laverty et al. to incorporate the steps that use the text error correction routines. Thus, there cannot be a prima facie case of obviousness with respect to the present invention.

Regarding independent claim 28, the present invention includes steps of deriving from the **vector graphics data file** an electronic catalog, wherein the electronic catalog appears to be substantially identical to the catalog printed on paper; and making the electronic catalog available for viewing using a browser. Regarding independent claim 29, the present invention includes steps of deriving from the **composite file** an electronic catalog, wherein the electronic catalog appears to be substantially identical to the catalog printed on paper; and making the electronic catalog available for viewing using a browser. While Laverty et al.

mentions the term “catalogs-products-kits” as part of an on-line printing center database, there is no mention, teaching or suggestion the above underlined limitations

Lavery does not disclose using an RGB desktop printer

Applicant’s desktop printer is an RGB desktop printer to make particularly clear that the printing is not the bulk CMYK printing that is the subject of the Lavery patent.

Chase differs from applicant’s invention in numerous ways

The Chase, et al. patent is similar to Lavery in focusing on preparing for CMYK printing. See, for example, column 1, lines 9-12 in which the Chase system is said to relate “generally to the field of publishing and printing, more particularly, the present invention relates to a system and method providing publishing and printing services via a communications network.”

Chase does not disclose making the pages available to the general public

The Examiner cites Fig. 2 of Chase as showing the availability of Chase’s images, but Fig. 2 shows to use a private network. The citation to column 11, lines 24-44 refer to “a client” -- not to the general public. The Examiner points to columns 16-20 as illustrating data availability over the Internet, but the permitted users must first meet a profile, as pointed out at column 15, line 54 and column 16, line 27.

In column 5, lines 9-10, Chase says that a public network is a network of subscribers and non-subscribers. In an exemplary embodiment set forth by Chase, the public network is the Internet. The central service facility described by Chase is connected to the Internet via a

firewall through which only subscribers are allowed access to a cached copy of their archived files. As a result of the firewall used by Chase, members of the general public are excluded from the publishing and printing services described by Chase. In contrast, the services of the present invention are available to the general public -- there is no firewall to exclude them. Therefore, Chase cannot be properly combined with Laverty to suggest that the present invention is obvious in view of these references.

Neither Chase, et al. or Laverty is focused on making catalog web pages available on the Internet, particularly in a fashion of providing fidelity to printed materials separately being produced for CMYK printing.

Chase does not disclose using an RGB printer

The Examiner asserted that Chase teaches an RGB printer. However, column 7, line 52 of Chase teaches a black and white laser printer, item number 340 in the drawings. Moreover, column 7, line 54 describes a color proofer item number 330 in the drawings. Color proofer 340 is not an RGB printer. Instead Chase describes the color proofer as being a 4-color machine (i.e. CMYK, rather than RGB). Furthermore, column 11, lines 60-63 of Chase mentions that a printing facility receives digital RGB images, but fails to suggest printing the RGB images on an RGB printer. Instead, Chase converts the RGB images to CMYK color space for printing on a CMYK printer.

Finally, neither Chase et al., nor Laverty, has any disclosure or suggestion to make the images remotely available to the public on the Internet for viewing on a monitor and printing on RGB printers.

Aitkens differs in numerous ways

The examiner points to column 7 of Aitkens as saying that RGB printers are known. Accepting that premise (despite the fact that Aitkens uses the RGB printer in a very unconventional way, to print in reverse on transparent vinyl laminate (column 7, line 12-16) at 75% to 85% density (column 7, lines 36-37), one of ordinary skill in the art still would not have found it obvious to use such a printer with Laverty or Chase.

Of course, Aitkens does nothing to fill in the gaps of the primary references as to making web pages available to the general public or using error correction routines to correct the text errors.

These features

--Public availability over the internet

--RGB printing

--Text error correction

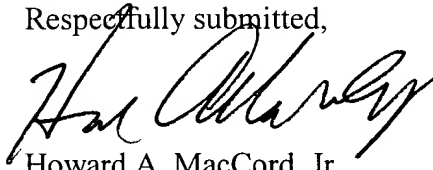
are clearly outlined in the claims, and therefore the claims differentiate from the cited references in a patentable fashion. Not only are the claims not anticipated, there is no motivation or suggestion to modify the prior art to reach the subject matter of Applicant's claims, so that it is not proper to say that the claimed invention would have been obvious from Laverty or Chase et al. or Aitkens either.

A *prima facie* case of obviousness is established when the teachings of the prior art suggests the claimed invention. But, the mere fact that the prior art itself may be modified does not make the modification *prima facie* obvious unless the prior art suggests the desirability of the modification. See, e.g., MPEP §2142 and 2143.01. Thus, the references

must expressly or impliedly suggest the claimed invention. Furthermore, the August 2, 2001 Federal Circuit decision in *In Re Zurko*, No. 96-1258 holds that deficiencies of cited references cannot be remedied by general conclusions about what is "basic knowledge" or "common sense" to one of ordinary skill in the art.

This amendment has placed the case in condition for immediate allowance and such action is respectfully requested. However, if any issue remains unresolved, Applicant's attorney would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,



Howard A. MacCord, Jr.
Registration No. 28,639
MacCord Mason, PLLC
P.O. Box 2974
Greensboro, NC 27402
(336) 273-4422

Date: July 29, 2005
File No.: 8012-001

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS DOCUMENT IS
BEING DEPOSITED WITH THE UNITED STATES
POSTAL SERVICE AS FIRST-CLASS MAIL, IN AN
ENVELOPE ADDRESSED TO: **COMMISSIONER
FOR PATENTS, P.O. BOX 1450, ALEXANDRIA,
VA 22313-1450, ON JULY 29, 2005**

(Date of Deposit)

Christian E. Carter-Seyboth

Name of Depositor

Christian E. Carter-Seyboth
Signature

JULY 29, 2005

Date of Signature